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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)																	
		091611																	
	Application Number	Filed																	
	10/584,106	June 22, 2006																	
	First Named Inventor Koji Demachi et al.																		
	Art Unit	Examiner																	
	2461	Omer S. Mian																	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table><tr><td><input type="checkbox"/> applicant /inventor.</td><td>_____/Darrin A Auito/</td></tr><tr><td></td><td>Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>_____/Darrin A. Auito</td></tr><tr><td></td><td>Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 56,024</td><td>_____/ (202) 822-1100</td></tr><tr><td></td><td>Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</td><td>_____/ 04/05/10</td></tr><tr><td></td><td>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>				<input type="checkbox"/> applicant /inventor.	_____/Darrin A Auito/		Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____/Darrin A. Auito		Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 56,024	_____/ (202) 822-1100		Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	_____/ 04/05/10		Date
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	Date																		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Koji DEMACHI et al.**

Art Unit: **2461**

Application Number: **10/584,106**

Examiner: **Omer S. Mian**

Filed: **June 22, 2006**

Confirmation Number: **3912**

For: **COMMUNICATION CONTROL SYSTEM**

Attorney Docket Number: **091611**

Customer Number: **38834**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF

April 5, 2010

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Pre-Appeal Brief Request for Review ("Request") is filed concurrent with a Petition for Extension of Time, and a Notice of Appeal in compliance with 37 C.F.R. §41.31.

Claims 1-4, 6-11, 14, 15 and 17-21 are currently pending.

Claims 1, 2, 6, 8-10, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATTAR et al. (US 2004/0179469) (hereinafter, "AATAR") in view of IINUMA (US 7,075,909).

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATTAR et al. and IINUMA as applied to claim 1 above further in view of WU et al. (US 2003/0110435).

Claims 7, 11, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATTAR et al. and IINUMA as applied in claim 1 above in view of HAARSTEN (USPN 6,021,124) further in view of HADZIC et al. (US 20040062278).

Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATTAR et al. and IINUMA as applied to claim 1 above in view of YONG et al. (USPN 5,541,919).

Applicant respectfully submits that it is clear error to maintain the above rejections in light of the following remarks. In particular, it is clear error to maintain that the combination of ATTAR et al. and IINUMA provides for all the features recited in claim 1 or provides a rationale which would prompt a skilled artisan to modify the combinations so as to derive the presently claimed invention.

Regarding claim 1, the Examiner takes the position that ATTAR discloses a time slot assignment section (paragraph 18, time division multiplexing is employed), but acknowledges that ATTAR does not disclose a set of communication stations including a plurality of said communicating stations. The Examiner asserts that INUMA discloses this missing feature (Abstract; col. 2, lines 30-48; col. 16, lines 38-41, a set of mobile stations assigned each time slot) and that it would have been obvious to modify ATTAR to use the technique of assigning more than one user to a time slot in order to increase efficiency of frequency use.

Applicant respectfully disagrees with the Examiner's characterization of the cited references and the pending claim language.

Claim 1 recites, in part:

a time slot assignment section which divides a communication cycle as a basic cycle of time division into time slots, and assigns a set of communication stations and a type of a communication section to each of the time slots, the set of communication stations includin^g a plurality of said communication stations ...

and

when the time-synchronous communication section transmits a time- synchronous communication frame to each communication station in the set of communication stations, time of the timer section of each communication station and the time slots of all stations in the set of communication stations are synchronized.

Applicant submits that ATTAR does not disclose a time slot assignment section that *assigns a set of communication stations and a type of a communication section to each of the time slots*. See claim 1. Instead, ATTAR discloses: “At each time-slot, data transmission occurs from an access point to **one and only** one access terminal... .” See paragraph [0020], emphasis added. Applicant submits that this clearly teaches away from the claimed invention.

Applicant submits that paragraph [0018] fails to cure this deficiency. The TDMA technique disclosed in ATTAR merely teaches assigning multiple time slots to multiple communication stations Whereas, claim 1 requires that a set of communication stations (including a plurality of said communication stations) and a type of a communication section are assigned to each of the time slots. Accordingly, the TDMA technique disclosed in ATTAR fails to disclose this claimed feature. Likewise, INUMA fails to teach or suggest this claimed feature. Accordingly, even if one were to combine the references in the manner suggested by the Examiner, the result would not be the claimed invention.

Furthermore (assuming *arguendo* that one were to combine the cited references), the result would not be the claimed invention because none of the cited references, alone or in combination, discloses “when the time-synchronous communication section transmits a time-synchronous communication frame to each communication station in the set of communication stations, time of the timer section of each communication station and the time slots of all stations in the set of communication stations are synchronized.” *See* claim 1. The Examiner relies on ATTAR to disclose this feature; however, paragraph [0135] of the ATTAR reference, for example, only discloses that the timing of the access points and access terminals is synchronized (*e.g.*, the communication station is synchronized.) Whereas, claim 1 recites that the time-synchronous communication frame is transmitted to each communication station, and the time slots of all communication stations are synchronized. ATTAR fails to teach or suggest this feature. Likewise, INUMA fails to teach or suggest this feature.

For at least the aforementioned reasons, Applicant respectfully submits that it is clear error to assert that ATTAR and INUMA teach or suggest all of the limitations recited in independent claim 1.

Also, because claims 2, 3, 4, 6-11, 14, 15, and 17-21 depend from claim 1, Applicant submits that it is clear error to assert that the cited references teach or suggest all of the limitations of each of these claims.

Accordingly, Applicant respectfully requests favorable reconsideration of pending claims 1-4, 6-11, 14, 15 and 17-21.

Application No. 10/584,106
Art Unit 2461

Pre-Appeal Brief
Attorney Docket No. 091611

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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